

Entered - 05/08/01 - sb
CL01L0292 - DIANNE C. MITCHELL

01-R-1365

CLAIM OF: **ESTATE OF THOMAS B. WEST, SR.,**
through its attorney,
Richard N. Hubert
191 Peachtree Street, NE
Ninth Floor
Atlanta, Georgia 30303-1747

For damages alleged to have been sustained as a result of property damage due to the construction of a combined sewer overflow facility during June, 2000 at property bounded by Lester Avenue, Avondale Avenue and East Confederate Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

Standing committees
AGENDA

APPROVED SEP 17 2001

ADVERSE REPORT

PUBLIC SAFETY &

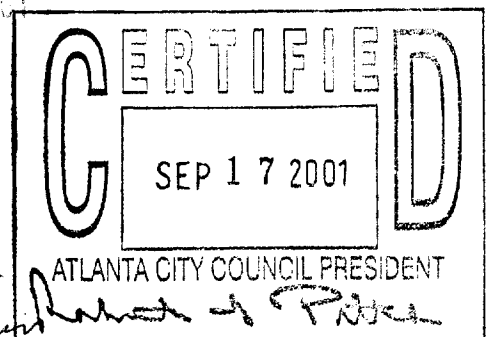
LEGAL ADMINISTRATION COMMITTEE

DATE: Public Safety

CHAIR: 9/17/01

Sherry Dorsey
W
Stu

C. T. Martin



Fuller
DEPUTY MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

October 2, 2001

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Richard N. Hubert
Attorney at Law
191 Peachtree Street, NE
Ninth Floor
Atlanta, GA 30303-1747

01-R-1365

RE: Estate of Thomas B. West, Sr.

Dear Attorney Hubert:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on September 17, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0292

Date: August 7, 2001

Claimant /Victim ESTATE OF THOMAS B. WEST, SR.
BY: (Atty) Richard N. Hurbert
Address: 191 Peachtree Street, NE, Ninth Floor, Atlanta, Georgia 30303-1747
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 05/07/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence June, 2000 Place: Property bounded by Lester Avenue, Avondale Avenue & E. Confederate Avenue
Department Public Works Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges its property has been damaged due to construction of a combined sewer overflow facility. The claimant has filed a lawsuit to resolve the issues raised in its claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 080701
Committee Action: Council Action

RCS# 3123
9/17/01
6:39 PM

Atlanta City Council

Regular Session

MULTIPLE
01-R-1365

Unfavorable Claims; Items 20-59

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	E Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE